

NORFOLK, VIRGINIA

ACTION OF THE COUNCIL

TUESDAY, MAY 13, 2014 – 7:00 P.M.

Prayer offered by Vice Mayor Angelia Williams, followed by the Pledge of Allegiance.

The following members were present: Ms. Green, Mr. Protogyrou, Mr. Riddick, Mr. Smigiel, Dr. Whibley, Mr. Winn, Ms. Williams and Mr. Fraim.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

Motion adopted.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CERTIFICATION OF CLOSED MEETING

A Resolution entitled, "A Resolution certifying a closed meeting of the Council of the City of Norfolk in accordance with the provisions of the Virginia Freedom of Information Act," was introduced in writing and read by its title.

ACTION: The Resolution as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

CEREMONIAL MATTERS

President Fraim read a proclamation proclaiming the month of **May, 2014 as Foster Care Month**. Steve Hawks, Director of Human Services, accepted the proclamation.

PUBLIC HEARINGS

PH-1

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the City of Norfolk, for the closing, vacating, discontinuing of a portion of the western side of **Atlantic Street south of Waterside Drive**.

Ellis James, 2021 Kenlake Place, spoke in support of this matter.

Thereupon, an Ordinance entitled, “An Ordinance closing, vacating and discontinuing a portion of the western side of **Atlantic Street south of Waterside Drive**, and authorizing the conveyance to the abutting property owner, Norfolk Redevelopment and Housing Authority, of any interest the City may have in the underlying fee of said portion of Atlantic Street,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-2

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, on the application of the **City Planning Commission** to amend the **Zoning Ordinance of the City of Norfolk, 1992**, Section 11-2 “Chesapeake Bay Preservation Area” Overlay District and Chapter 26 “Site Plan Review” to comply with State stormwater management regulations.

Thereupon, an Ordinance entitled, “An Ordinance to amend and reordain certain portions of Section 11-2 and Chapter 26 of the **Zoning Ordinance of the City of Norfolk, 1992**, **SO AS TO** accommodate changes to the City’s Storm Water Management regulations as required by State law,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-3

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving a Lease Agreement with SBA 2012 TC Assets, LLC, for a parcel of land at **1311 Bayville Street**, in the City of Norfolk.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with SBA 2012 TC Assets, LLC for a parcel of land at **1311 Bayville Street**, in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PH-4

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments approving a Lease Agreement with Soraya, LLC, dba Ocean View Waterslide, for a portion of **Community Beach**, a property in the City of Norfolk.

Jeffrey Howlett, 237 East 40th Street, applicant, Bobby Howlett 125 Beach Avenue, Attorney for applicant, Christopher Hagan, 245 East 41st Street and Richard Katz, 4311 Colley Avenue, were present to answer questions in this matter.

Thereupon, an Ordinance entitled, “An Ordinance approving a Lease Agreement with Soraya, LLC, dba Ocean View Waterslide, for a portion of **Community Beach**, a property in the City of Norfolk,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective June 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

PUBLIC HEARING scheduled this day under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the non-proprietary portions of the proposals submitted in response to the City of Norfolk's and Norfolk Public Schools' Request for Proposals (RFP) pursuant to the **Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA)** to provide design, permitting development and construction services in connection with the construction of five schools.

Mark Perrault, 950 Hanover Avenue, spoke in opposition to this matter and commented that the schools being addressed by the PPEA, Ocean View Elementary and Larchmont are the two that have the most significant historic character. Commented on the public workshops where the conceptual site plans and floor plans will be presented. He would like to see conceptual site and floor plans for renovation of those buildings to be presented at the workshops, too.

Susan Schrader, 1766 Farragut Avenue, spoke in opposition to this matter and asked council to save the historic portions of Larchmont and Ocean View Elementary Schools.

Alice Allen-Grimes, 1322 Mallory Court, spoke in opposition to this matter on behalf of the Norfolk Preservation Alliance noted that in 2008 the city's consultant recommended renovation and expansion of Larchmont and Ocean View Elementary Schools. Those recommendations were later confirmed by a citizen task force. She suggested that the city follow those recommendations. She added that both buildings are eligible for the National Register of Historic Places.

Joe Austin, 215 Brooke Avenue, #311, spoke in opposition to this matter and believes that Campostella Elementary disrespected in the proposal.

Dan Montague, 4605 Krick Street, spoke in opposition to this matter and commented that this is the first step to public schools going private.

The Public Hearing was held pursuant to Section 56-575.17 of the Code of Virginia, 1950, as amended.

ACTION: The Motion was to **CLOSE** the Public Hearing.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

REGULAR AGENDA

R-1

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain the Norfolk City Code, by adding one new Chapter 41.2 entitled Virginia Storm Water Management Program **SO AS TO** adopt the **Stormwater Design and Construction Manual**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective July 1, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to Eva’s LLC authorizing the operation of an eating and drinking establishment known as **'Eva's'** on property located **4314 Colley Avenue**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to Tiffany Kidwell-Gaylord and David Hledik authorizing the operation of an eating and drinking establishment known as **'Saint Germain'** on property located at **913 West 21st Street**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-4

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to Cogans Pizza, LLC authorizing the operation of an entertainment establishment known as ‘**Cogan’s Pizza**’ on property located at **4311 Colley Avenue, Suite B,**” was introduced in writing and read by its title.

Richard Katz, 4311 Colley Avenue, the applicant, and Rick Henn, 1400 Granby Street, were present to answer questions in this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-4A

An Ordinance entitled, “An Ordinance granting a **Special Exception** to Cogans Pizza, LLC authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Cogan’s Pizza**’ on property located at **4311 Colley Avenue, Suite B,**” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to Tidewater Seafood, LLC authorizing the sale of alcoholic beverages for off-premises consumption at an establishment known as ‘**Tidewater Seafood**’ on property located at **7483 Tidewater Drive,**” was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal four Subsections of Section 25-653 and one Subsection of Section of 25-654, and to amend and reordain Sections 25-652, 653, 654, 656 and 660 of the ***Norfolk City Code, 1979, SO AS TO*** add one new one-way street, one new yield intersection, ten new stop intersections, two new vehicles over five tons prohibitions, and three new automated traffic signals,” was introduced in writing and read by its title.

ACTION: This matter was **CONTINUED to May 20, 2014.**

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting \$170,586.00 from the **Virginia Department of Health, Office of Emergency Medical Services**, for the “Four for Life” Program and appropriating and authorizing the expenditure of \$170,586.00 for the “Four for Life” Program to be used for medical training purposes and to purchase emergency medical equipment,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving an Addendum to Lease between **7460 Tidewater Drive Associates, LLC and the City of Norfolk**, and authorizing the execution of the Addendum to Lease on behalf of the City,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance closing certain City-owned Docks to public use during the **Norfolk Harborfest 2014 Celebration**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance establishing certain public areas and streets of the City of Norfolk as the “Festival Area” and setting forth the regulations applicable to such festival area for the **Norfolk Harborfest 2014 Celebration**,” was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street, spoke in favor of this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No: None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement with S.B. Ballard Construction Company**,” was introduced in writing and read by its title.

Dan Montague 4605 Krick Street spoke in opposition to this matter.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, and Fraim.

No: None.

Abstain: Winn. His company does business with S.B. Ballard Construction Co.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Right of Entry Agreement with Norfolk Redevelopment and Housing Authority**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing and approving an Interim Agreement between the City of Norfolk, Norfolk Public Schools and S.B. Ballard Construction Company under the **Public-Private Education Facilities and Infrastructure Act**,” was introduced in writing and read by its title.

Alton Robinson, 735 West 35th Street and Dan Montague, 4605 Krick Street, spoke in opposition to this matter.

Bruce Williams, 1068 Meadow Grove Trail, Virginia Beach spoke in behalf of the 200+ Men to urge use of minority businesses when building the new school.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, and Frain.

No: None.

Abstain: Winn. His company does business with S.B. Ballard Construction Co.

R-14

Letter from the City Manager and an Ordinance entitled, “An Ordinance to schedule a **City Council meeting on Tuesday, May 20, 2014 at 7:00 p.m.**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

R-15

Letter from the City Attorney and an Ordinance entitled, “An Ordinance directing the City Treasurer to issue a refund to **Ricoh Corporation** in the amount of \$38,495.45 based upon the overpayment of **business personal property tax for 2013**,” was introduced in writing and read by its title.

ACTION: The Ordinance as introduced was **adopted**, effective May 13, 2014.

Yes: Green, Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Frain.

No: None.

NEW BUSINESS

1. Edward Parham, Sr., 1527 Palmetto Street, commented that school crossing guards get no bonuses, no benefits and that their complaints go un-noticed.
2. Phano Gallo, 8408 Nathan Avenue, commented that no one keeps the school crossing guards aware City’s intentions.
3. Reginald Whitaker, 5008 Riverfront Drive, Suffolk; Sabrina Vann, 7707 Marwood Drive, Clinton Maryland; Richard Whitehurst and Sharon Shelton, 1400 Corvel Street requested street designations in the vicinity of Booker to Washington High School recognizing Reginald D. Walker and James A. Clark, former band leaders at Booker T. Washington for their contributions to music and to Norfolk.
4. Dan Montague, 4605 Krick Street, spoke regarding the senior tax relief program and to repeal of Ordinance 45,488 regarding credit card fees for tax payments.
5. Danny Lee Ginn, 3844 Dare Circle, commented on good government.